

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14357 of Terris J. Green, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3105.42 for a proposed subdivision and construction of seven row dwellings in an R-5-A District at premises 305 - 317 - 61st Street, N.E., (Square 5267, Lots 47-53).

HEARING DATE: November 13, 1985

DECISION DATE: November 13, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the east side of 61st Street between Clay and Dix Streets and is known as premises 305-317 61st Street, N.E. It is zoned R-5-A.

2. The subject site is rectangular in shape. The topography is generally level after a rise of approximately ten feet above street grade. The site is currently undeveloped.

3. To the north of the subject site are several single family detached dwellings located in the R-5-A District followed by a public alley. North of the public alley is a boarded-up commercial structure. Across Dix Street to the north is a liquor store in the C-2-A District. To the east of the site is a twenty foot public alley followed by the rear yards of apartment buildings in the R-5-A District. To the south of the site is a single family detached dwelling in the R-5-A District. To the west of the site across 61st Street are single family detached dwellings and apartment houses in the R-5-A District.

4. The applicant proposes to build seven single family row dwellings on the subject site. Paragraph 3105.42 of the Zoning Regulations permits the proposed development as a special exception subject to compliance with the following:

3105.421 The Board shall refer the application to the D.C. Board of Education for comment and recommendation as to the adequacy of existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project;

3105.422 The Board shall refer the application to the District of Columbia Department of Transportation and the District of Columbia Department of Housing and Community Development for comment and Commendation as to the adequacy of public streets, recreation and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects;

3105.423 The Board shall refer the application to the District of Columbia Office of Planning and Development for comment and recommendation on the site plan, arrangement of buildings and structures, provisions of light, air, parking, recreation, landscaping and grading as they relate to the future residents of the project and the surrounding neighborhood; and

3105.424 In addition to other filing requirements, the developer shall submit to the Board with the application, four site plans and two sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements.

5. The applicant proposes to build the units on individual lots for fee-simple ownership. Each unit is proposed to be three stories in height with an outside dimension of 19.67 feet by thirty-six feet. The units are sited on lots ranging in lot area from 2,702.40 to 3,920 square feet. The average lot occupancy is approximately twenty-six percent.

6. The proposed units are designed to sell for between \$84,000 and \$100,000 depending on the number and type of options which the buyer may select. The basic unit will consist of three bedrooms, two and a half baths, living room, dining room, kitchen and unfinished basement. The options would include a fireplace, garage, washer and dryer, finished basement with or without a powder room, and optional bedroom configuration of two master bedrooms rather than the standard three bedroom layout.

7. Each unit will have two parking spaces at the rear as well as a ten by ten foot concrete patio and privacy fence. A stone walkway between the parking area is proposed and shrubbery and red maples will be provided in the open green space. The average depth of rear yards will be approximately c. 100 feet.

8. The basement level of the proposed units will be at grade level due to the water drainage conditions of the soil of the subject site and surrounding areas. Excavation to provide the basement level below grade would result in increased costs for drainage systems and shoring up along

the property lines to protect adjacent structures and such measures would not guarantee that water leakage would not occur. Because of the existing three-and four-story structures surrounding the site, the height of the units would not be out of scale or character with development in the immediate area.

9. The fenestration of the proposed units is to consist of double-hung windows with flanking shutters, entrance doors and outside coach light fixtures. The typical exterior is proposed to be 100% brick veneer on the front elevation with aluminum siding on the side and rear elevations.

10. The applicant has secured approval for FHA and HPAP financing for the proposed units. FHA financing permits buyers to acquire financing with little or no money down. HPAP financing offers assistance with closing costs and down payments to first-time home buyers. The applicant felt that such financing options enhance the potential for residents of the immediate area to qualify to purchase the proposed units.

11. The D.C. Superintendent of Schools, by memorandum dated September 19, 1985, indicated that the proposed development would have no adverse impact on the operations or facilities of the D.C. Public Schools in that ample capacity is available at elementary and junior high schools in the immediate vicinity to accommodate any student population generated by the proposed small number of units. The memorandum further indicated that Woodson Senior High, although operating at capacity, can also accommodate additional neighborhood enrollment at this scale. The Board so finds.

12. The DC Department of Housing and Community Development, by memorandum dated September 23, 1985, stated that the proposal is consistent with the housing policies of the District of Columbia and, therefore, offered no objection to the granting of the subject application. The Board so finds.

13. The Department of Public Works, by memorandum dated October 25, 1985, indicated that the project meets the off-street parking requirements, and the site is amply served by public transportation available within one to two blocks. Revised plans showing access to the parking areas through an east west alley north of the original access proposed satisfied the Department's concerns with the originally proposed access through an unimproved fifteen foot alley which did not extend all the way to 61st Street. The Department of Public Works was of the opinion that the proposed development would not have a significant effect on the surrounding street system. The Board so finds.

14. The Department of Public Works further was of the opinion that the twelve inch diameter water main on 61st Street could provide sufficient service to the site and that the existing sewer service on 61st Street has the capacity to handle the proposed development. The Board so finds.

15. The Office of Planning, by memorandum dated November 6, 1985, recommended that the application be approved. The OP was of the opinion that the proposed development is consistent with the special exception requirements for new row dwellings in the R-5-A District and that the units as proposed will provide future occupants with a desirable living environment through quality architectural design and other amenities. The Board concurs with the recommendation of the OP.

16. A representative of Advisory Neighborhood Commission 7C testified at the public hearing that a recommendation on the subject application was filed in a timely manner. The record in the subject application does not contain such a written report. The ANC representative testified that the ANC met on October 24, 1985, after proper notice and with a quorum present to review and discuss the subject application. The ANC representative stated that the residents of the area would prefer non-rowhouse type dwellings because row dwellings do not conform to the existing housing pattern in the area and, therefore, recommended that the applicant construct the number of detached or semi-detached duplex dwellings that the site will allow. However, the ANC would support the proposed project if it is the only way the site can be developed.

17. The Board is required to give great weight to the written report setting forth the issues and concerns of the Advisory Neighborhood Commission. No written report has been found in the official record on this case, therefore, the Board is not required to afford great weight to the recommendation of the Advisory Neighborhood Commission. The Board notes, however, that single family detached homes on the subject site would not require BZA review and approval. Further, the ANC offered support for the project, as proposed, rather than having the site remain undeveloped.

18. There was no opposition to the granting of the subject application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception to construct a new residential development in an R-5-A District. The granting of such special exception requires that the proposed development satisfy all requirements listed in Paragraph


3105.42 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The Superintendent of Schools has indicated that the population generated by the project will not adversely impact student capacity at existing facilities. The Department of Housing and Community Development stated that the proposed project is consistent with the housing policies of the District of Columbia. The Department of Public Works indicated that the plans meet its concerns regarding access to the parking spaces, that the proposed project will not adversely effect the surrounding street system and that the project will be adequately served by existing water and sewer systems. The Office of Planning recommended approval of the application as consistent with the criteria for special exception approval for R-5-A developments.

The Board further concludes that the requested special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and that it will not affect adversely the use of neighboring property. ACCORDINGLY, it is ORDERED that the application is hereby GRANTED.

VOTE: 4-0 (Maybelle T. Bennett, Charles R. Norris, William F. McIntosh, and Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER:

17 JAN 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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